

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Betts, *et al.*

APPLICATION No.: 10/706,055

FILED: November 12, 2003

FOR: **42-O-ALKOXYALKYL RAPAMYCIN
DERIVATIVES AND COMPOSITIONS
COMPRISING SAME**

EXAMINER: Unassigned

ART UNIT: 1614

CONF. No: 6359

**Information Disclosure Statement Within Three Months of
Application Filing or Before First Action – 37 C.F.R. § 1.97(b)**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last (37 C.F.R. § 1.97(b)). The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information☒ Copies of the following references are enclosed:☒ All cited references, except U.S. Patent and Publications3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2207.

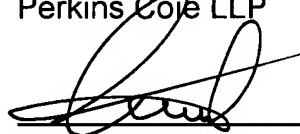
5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- ☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Date:

February 15, 2005

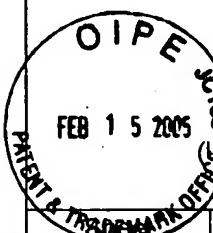
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 INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) (Use several sheets if necessary)	COMPLETE IF KNOWN		
	Application Number	10/706,055	
	Confirmation Number	6359	
	Filing Date	November 12, 2003	
	First Named Inventor	Betts, et al.	
	Group Art Unit	1614	
	Examiner Name	Unassigned	
Attorney Docket No.	38779-8002.US00		
1	of	1	

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		4,650,803		Stella & Kennedy	03/17/87	
		5,120,842		Failli and Steffan	06/09/92	
		5,151,413		Caufield & Schiehsen	09/29/92	
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		5258,389		Goulet, et al.	11/2/93	
		5,665,772		Cottens & Sedrani	09/09/97	
		6,384,046	B1	Schuler, et al.	05/07/02	
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		2002/0127248	A1	Schuler, et al.	09/12/02	
		6,585,764	B2	Wright, et al.	07/01/03	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
		EP	0 867 438	A1	Cottens	09/30/98		
		EP	0 663 916	B1	Cottens	11/25/98		
		PCT	WO 97/35575		Schuler, et al.	10/02/97		
		PCT	WO 01/97809	A2	Azrolan, et al.	12/27/01		

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).	